

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

DECISION AND ORDER

10-CR-6084L

v.

JEROME WILSON,

Defendant.

This Court referred all pretrial motions to United States Magistrate Judge Marian W. Payson pursuant to 28 U.S.C. § 636(b). Defendant Jerome Wilson filed a motion to dismiss the indictment and other matters which were resolved in court on the return of the motion. Only the motion to dismiss was reserved by Magistrate Judge Payson.

Magistrate Judge Payson issued a Report and Recommendation (Dkt. #84) considering the arguments made by defendant and determined that the indictment is valid on its face and, therefore, cannot be dismissed on the grounds that it is based on inadequate or insufficient evidence. I agree with the Magistrate Judge's analysis of the facts and the relevant law, and I find no reason to modify or reject that Report and Recommendation. No objections were filed to the Report and Recommendation.

CONCLUSION

I accept and adopt the Report and Recommendation of United States Magistrate Judge Marian W. Payson (Dkt. #84).

Defendant's motion to dismiss the indictment (Dkt. #80) is in all respects denied.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer". The signature is written in a cursive style with a large, stylized "D" and "L".

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
February 28, 2011.